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### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed April 28, 2006. By this response, Applicant has amended claims 1, 7, 9, 22, 28, 30, 43, 49 and 51 and canceled claims 6, 8, 27, 29, 48 and 50.

In view of the foregoing amendments and the following discussion, Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicant believes that all of these claims are now in allowable form.

Applicant does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

### **Amendments to the Claims**

By this response, claims 1, 7, 9, 22, 28, 30, 43, 49 and 51 have been amended. The amendments to the claims are fully supported by the Application as originally filed. For example, the amendments to the claims are supported at least by page 76, lines 7-11 and 18-21. Thus, no new matter has been added in the Examiner is respectfully requested to enter the amendments.

### **35 U.S.C. §103 Rejection of Claims 1-5, 8, 9, 12-14, 16, 19-26, 29, 30, 33-35, 37, 40-47, 50, 51, 54-56, 58, 61-63**

The Examiner has rejected claims 1-5, 8, 9, 12-14, 16, 19-26, 29, 30, 33-35, 37, 40-47, 50, 51, 54-56, 58, and 61-63 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 6,510,209 to Cannon, U.S. Patent 6,141,058 to Lagoni, and U.S. Patent 5,729,280 to Inoue. Applicant respectfully traverses the rejection.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art, and there must be motivation to combine the cited references in a manner to obviate the claimed invention.

Applicant respectfully submits that the Examiner has failed to establish a prima facie case of obviousness of the claimed invention because the Abecassis, Cannon, Lagoni and Inoue, alone or in combination, fail to teach or suggest all of the limitations

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recited in independent claims 1, 22 and 43, and thus fail to teach or suggest Applicant's invention as a whole.

Specifically, the Abecassis and Cannon references, alone or in combination, fail to teach or suggest at least the "the request comprises an e-mail or a message, wherein the e-mail and the message are detected via an e-mail communications software" as recited in claim 1 as amended, and as substantially similarly recited in claims 22 and 43 as amended.

The Abecassis reference discloses a video on demand system in which the user of the system may accept a video or audio phone call during use of the system and, in response to the acceptance of such call, cause a video server transmission to be paused. Abecassis does not teach or suggest any request comprising an e-mail or a message, where the e-mail and the message are detected via an e-mail communications software.

The Cannon reference fails to bridge the substantial gap between the Abecassis reference and Applicant's invention. The Cannon reference discloses a telephone enabling remote programming of a video recording device. The Cannon reference discloses that a VCR or videodisk player can be paused upon receipt of an incoming phone call. Cannon does not teach or suggest any request comprising an e-mail or a message, wherein the e-mail and the message are detected via an e-mail communications software.

The Lagoni and Inoue references fails to bridge the substantial gap between the Abecassis and Cannon references and Applicant's invention.

Lagoni discloses a television receiver includes a telephone network interface circuitry which allows the receiver to receive and process Caller-ID signals for display during ringing period of the telephone set. Lagoni does not teach or suggest any request comprising an e-mail or a message, wherein the e-mail and the message are detected via an e-mail communications software.

Inoue discloses a near video-on-demand signal receiver having a pause function in the display of the video program by temporarily storing a segment of the video program equal to the length of the transmission interval and obtaining the remainder of the program at a later time from the same of another channel. Specifically, Inoue discloses that a user enters a pause command into the user interface (i.e., col. 7, ll. 64-

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65). Inoue does not teach or suggest any request comprising an e-mail or a message, wherein the e-mail and the message are detected via an e-mail communications software

Because none of the cited references teach or suggest "the request comprises an e-mail or a message, wherein the e-mail and the message are detected via an e-mail communications software", the Abecassis, Cannon, Lagoni and Inoue references, alone or in any combination, fail to disclose or suggest Applicant's invention as a whole.

Claims 8, 29 and 50 have been canceled. Claims 2-5, 9, 12-14, 16, 19-21, 23-26, 30, 33-35, 37, 40-42, 44-47, 51, 54-56, 58, and 61-63 depend directly or indirectly from independent claims 1, 22 and 43. Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 6, 7, 27, 28, 48 and 49**

The Examiner has rejected claims 6, 7, 27, 28, 48 and 49 as being unpatentable over Abecassis in view of Cannon, Lagoni and Inoue in further view of the MSN Messenger Service (hereinafter "MSN"). Applicant respectfully traverses the rejection.

Claims 6, 7, 27, 28, 48 and 49 depend directly or indirectly from independent claims 1, 22 and 43. Moreover, for at least the reasons discussed above, the Abecassis, Cannon, Lagoni and Inoue references fail to teach or suggest Applicant's invention as recited in claims 1, 22 and 43.

The office action states Abecassis, Cannon, Lagoni and Inoue references fail to teach or suggest detecting an incoming email message. Applicant agrees. MSN discloses an instant messaging service that automatically notifies you when you receive a new message in your hotmail e-mail account. MSN is silent on how its notification can pause videos. Specifically, MSN does not teach or suggest the incoming request as claimed. Thus, MSN does not teach or suggest any request comprising an e-mail or a message, wherein the e-mail and the message are detected via an e-mail communications software as claims.

Accordingly, any attempted combination of the Abecassis, Cannon, Lagoni and Inoue references with MSN, in a rejection against the dependent claims, would still result in a gap in regards to the rejection against the independent claims. Claims 6, 27 and 48 are canceled. As such, Applicant submits that dependent claims 7, 28 and 49 are not obvious and are patentable under 35 U.S.C. §103.

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Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 10-11, 31, 32, 52 and 53**

The Examiner has rejected claims 10-11, 31, 32, 52 and 53 as being unpatentable over Abecassis in view of Cannon, Lagoni and Inoue in further view of U.S. Patent 6,349,410 to Lortz (hereinafter "Lortz"). Applicant respectfully traverses the rejection.

Claims 10-11, 31, 32, 52 and 53 depend directly or indirectly from independent claims 1, 22 and 43. Moreover, for at least the reasons discussed above, the Abecassis, Cannon, Lagoni and Inoue references fail to teach or suggest Applicant's invention as recited in claims 1, 22 and 43. Accordingly, any attempted combination of the Abecassis, Cannon, Lagoni and Inoue references with any other additional references, in a rejection against the dependent claims, would still result in a gap in regards to the rejection against the independent claims. As such, Applicant submits that dependent claims 10-11, 31, 32, 52 and 53 are not obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 15, 36 and 57**

The Examiner has rejected claims 15, 36 and 57 as being unpatentable over Abecassis in view of Cannon, Lagoni and Inoue in further view of U.S. Patent 6,543,053 to Li (hereinafter "Li"). Applicant respectfully traverses the rejection.

Claims 15, 36 and 57 depend directly or indirectly from independent claims 1, 22 and 43. Moreover, for at least the reasons discussed above, the Abecassis, Cannon, Lagoni and Inoue references fail to teach or suggest Applicant's invention as recited in claims 1, 22 and 43. Accordingly, any attempted combination of the Abecassis, Cannon, Lagoni and Inoue references with any other additional references, in a rejection against the dependent claims, would still result in a gap in regards to the rejection against the independent claims. As such, Applicant submits that dependent claims 15, 36 and 57 are not obvious and are patentable under 35 U.S.C. §103.

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Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 17, 38 and 59**

The Examiner has rejected claims 17, 38 and 59 as being unpatentable over Abecassis in view of Cannon, Lagoni and Inoue in further view of U.S. Patent 6,052,508 to Mincy (hereinafter "Mincy"). Applicant respectfully traverses the rejection.

Claims 17, 38 and 59 depend directly or indirectly from independent claims 1, 22 and 43. Moreover, for at least the reasons discussed above, the Abecassis, Cannon, Lagoni and Inoue references fail to teach or suggest Applicant's invention as recited in claims 1, 22 and 43. Accordingly, any attempted combination of the Abecassis, Cannon, Lagoni and Inoue references with any other additional references, in a rejection against the dependent claims, would still result in a gap in regards to the rejection against the independent claims. As such, Applicant submits that dependent claims 17, 38 and 59 are not obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 18, 39 and 60**

The Examiner has rejected claims 18, 39 and 60 as being unpatentable over Abecassis in view of Cannon, Lagoni and Inoue in further view of the ReplayTV manual (hereinafter "ReplayTV"). Applicant respectfully traverses the rejection.

Claims 18, 39 and 60 depend directly or indirectly from independent claims 1, 22 and 43. Moreover, for at least the reasons discussed above, the Abecassis, Cannon, Lagoni and Inoue references fail to teach or suggest Applicant's invention as recited in claims 1, 22 and 43. Accordingly, any attempted combination of the Abecassis, Cannon, Lagoni and Inoue references with any other additional references, in a rejection against the dependent claims, would still result in a gap in regards to the rejection against the independent claims. As such, Applicant submits that dependent claims 18, 39 and 60 are not obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

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### CONCLUSION

Thus, Applicant submits that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Jasper Kwoh or Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: \_\_\_\_\_

7/25/06



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